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US Classification//Non US//SCI//Codeword//FGI//Dissem Controls//Non-Intell//Declass (as appropriate)

EXECUTIVE CORRESPONDENCE ROUTING SHEET

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|---------------------------|---|-----------------------|-------|
| 1. Origination Office | | 2. Date | |
| Office of General Counsel | | 06/01/2007 | |
| 3. FROM: | Name | Room No. and Building | Phone |
| | John A. Rizzo Acting General Counsel | | |

4. Subject

Letter to The Honorable Henry A. Waxman, Chairman/Committee on Oversight and Government Reform

| | | |
|---------------------------------|--|----------------------------------|
| 5. Originating Office Control # | 5a. Response to DAC # (Originating Office to Complete) | 5b. DAC Control # (DAC Use Only) |
| OGC-FO-2007-50035 | | |

6. Justification / Summary (Required for Immediate and Priority Actions)

☐ Routine☐ Priority☒ Immediate

7. Coordination

APPROVED FOR RELEASE ☐

DATE: 12-07-2010

NOTE: All correspondence sent to D/CIA must be sent via ADD/CIA and DD/CIA

| DATE IN | ROUTE TO | ACTION (Check a box) | NONCONCURRENCE REASON | DATE OUT |
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THE DIRECTOR
CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

OGC-FO-2007-50035

1 June 2007

The Honorable Henry A. Waxman
Chairman
Committee on Oversight and Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Chairman:

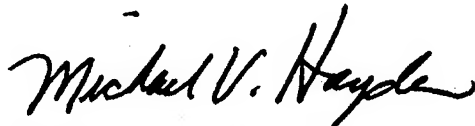
I am writing in response to your 25 May 2007 letter informing me that your Committee is seeking interviews of several current and former CIA employees in connection with an investigation related to Iraq's alleged efforts to obtain uranium from Africa and its nuclear threat. While I understand you are interested in investigating the matter, your request raises several significant issues for the Agency, including the identification and protection of classified information during transcribed interviews intended to be at the unclassified level. It will be extremely difficult for interviewees to respond in such a setting and under these conditions while protecting highly sensitive intelligence sources and methods.

I have written a letter to Chairman Reyes of the House Permanent Select Committee on Intelligence (HPSCI) raising this and related issues and am enclosing a copy of that letter for your review. In addition, I have asked my staff to work with HPSCI staff on your request because HPSCI is an integral part of the comprehensive legislative and oversight scheme the Agency has been operating under since 1977. The Agency's Office of Congressional Affairs (OCA) is the designated point of contact for these types of requests and will discuss the Committee's requests with both your staff and HPSCI staff. Although several of the individuals listed in your letter are not Agency

The Honorable Henry A. Waxman

employees, I am sure you can appreciate that given the issues I have highlighted above and in my letter to Chairman Reyes, both the Agency (through OCA) and HPSCI need to be involved in any request to interview Agency employees.

Sincerely,

A handwritten signature in black ink, reading "Michael V. Hayden". The signature is fluid and cursive, with the first name "Michael" and last name "Hayden" clearly legible.

Michael V. Hayden
General USAF

Enclosure

cc: The Honorable Silvestre Reyes, Chairman/HPSCI
The Honorable Peter Hoekstra, HPSCI Ranking Member
The Honorable Thomas M. Davis III,
Oversight & Government Reform, Ranking Member
The Honorable John M. (Mike) McConnell/DNI

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THE DIRECTOR
CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

29 May 2007

The Honorable Silvestre Reyes
Chairman
Permanent Select Committee
on Intelligence
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing to express my concern and secure your help and the help of the Committee.

I have received several letters from Chairman Waxman of the House Oversight and Government Reform Committee in which Chairman Waxman has stated that his committee is "the principal oversight committee in the House of Representatives and has broad oversight jurisdiction." Speaker Pelosi confirmed this in a personal conversation with me on Friday evening.

Since its inception in 1977, we have viewed the Permanent Select Committee on Intelligence as our "principal oversight committee" in the House. Indeed, the Intelligence Committee was formed to be the principal oversight body for the Agency. Based on our common experience with oversight and legislative responsibilities for the past decades, I am seeking your advice as well as the Committee's advice as to how best to respond to Chairman Waxman's requests.

For example, we have received a subpoena for the September 2003 Joint Report of the Department of State and CIA's Inspector General on "The Alleged Iraqi Attempts to Procure Uranium from Niger." This classified report was undertaken at the request of the Intelligence Committee and the Intelligence Committee has had the report since 29 September 2003. As a result, my strong preference is to direct Chairman Waxman's staff members to your staff to obtain access to the actual document; or should we, separately, provide the Oversight and Government Reform Committee with their own copy? If the latter, does your Committee have any views as to who should have access to this classified report and how it should be handled and stored in Government Affairs spaces? We are not aware that the staff from that Committee has the requisite security clearances to review this report nor the secure storage space necessary to protect it.

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The Honorable Silvestre Reyes

The subpoena also requires that CIA produce all documents that relate to communications since January 20, 2001, involving White House officials regarding Iraq's efforts to obtain uranium from Africa and Iraq's nuclear threat. Some of these documents could conceivably involve claims of Executive Privilege; and we will, of course, work that out with the White House. But these documents could also contain information that remains highly classified. Again, we are concerned and ask the Committee's counsel with regards to questions of clearance, access, and storage.

In a separate correspondence Chairman Waxman informed me that his Committee staffers seek to interview a series of CIA officers "in connection with the Committee's ongoing investigation into whether White House officials misled the Congress and the public about Iraq's efforts to obtain uranium from Africa and its nuclear threat." These interviews are to be "on the record," and I believe they will be transcribed at the unclassified level.

These interviews raise additional areas of concern; and again I seek your thoughts. First is the issue of classification. Our view is that, despite everyone's best efforts, it will be extremely difficult to keep these discussions at the unclassified level. And what if, in the interview, questions regarding intelligence sources and methods are raised? Shall our officers refuse to answer these questions? How then should any transcripts be handled? At what point in the process will CIA be given access to the transcripts to determine their national security classification? I trust you agree that they must be reviewed for classification before they are released to the House Oversight and Government Reform Committee.

A second area of concern is the effect that could, if we are not careful, result as a by-product of these interviews. Our analysts have direct, intimate, and sometimes contentious dialogue with policymakers in the Legislative and Executive branches of government. I am sure you will agree this kind of relationship is not just normal, it is desirable. Only in this give-and-take, in this candid contest of ideas, are we able to sharpen our analysis and respond to the challenges that policymakers give us. I ask your support to ensure that these interviews, if conducted, do not result in chilling this vital and largely private dialogue for future analysts and policymakers.

The Honorable Silvestre Reyes

I am also concerned that many, if not all, of those called to Capitol Hill to chat with staff in transcribed depositions will be called to testify in future open sessions. We must avoid this at all costs. Having analysts identified openly in testimony, even if they are not technically under cover, raises counterintelligence concerns, not to mention concerns for the safety and security of the individuals and their families. We have, for example, worked mightily to keep the name of one of these same analysts out of recent publications because of these very concerns. On a more long-term level, I hate to think what this might do to our analysts' willingness to take risks if they have to worry that any action they take now could some day be scrutinized in public Congressional depositions when circumstances change. Again, I ask for your assistance in dealing with these matters.

Finally, as you know, CIA does not have unlimited resources to expend on any activity, including our unarguable responsibilities to Congressional oversight. We need to organize and prioritize our work. Are we, in the Committee's view, now to consider the House Oversight and Government Reform Committee as our primary oversight body for these questions dealing with Iraqi weapons of mass destruction? I ask this because CIA has already provided hundreds of hours of testimony and thousands of pages of documents to the Intelligence Committees of both Houses on these topics, and I believe HPSCI is satisfied with CIA's efforts to date. Other correspondence also indicates that Chairman Waxman is asserting primary jurisdiction over questions of Ms. Valerie Plame and internal Agency deliberations about Ambassador Wilson's trip to Africa. Does the Intelligence Committee agree with that assertion? Are there any more areas in which Chairman Waxman's Committee will be our lead oversight entity in the House?

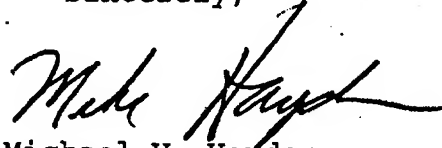
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The Honorable Silvestre Reyes

These are very serious issues for our Agency. I have directed my staff to contact your Committee staff directly so that we can work together to address them.

An original of this letter is being sent to Congressman Hoekstra.

Sincerely,



Michael V. Hayden

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Transmittal and Document Receipt

TO: Honorable Henry A. Waxman, Chairman
Committee on Oversight and Government Reform
United States House of Representatives
H-405, The Capitol
Washington, DC 20515

ATTN: Kristin Jepson

From: Office of Congressional Affairs
Central Intelligence Agency
Washington, D.C. 20505

Receipt _____

Date: 06/04/2007

OFFICER: _____

Description

Classification

DCIA response to 25 May 2007 letter seeking
interviews with current CIA employees

HAND CARRY

AVOID TRACER ACTION
PLEASE SIGN AND RETURN WITHIN
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SIGNATURE (ACKNOWLEDGING RECEIPT OF ABOVE DOCUMENT)

RETURN TO _____

DATE: _____

OCA

Washington D.C. 20505

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